

**ASSEMBLY BILL**

**No. 422**

---

**Introduced by Assembly Member Nazarian**

February 15, 2013

---

An act to amend Section 49557.2 of the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 422, as introduced, Nazarian. Health care applications.

Existing law creates various programs to provide health care services to persons who have limited incomes and meet various eligibility requirements. These programs include the Healthy Families Program administered by the Managed Risk Medical Insurance Board, and the Medi-Cal program administered by the State Department of Health Care Services.

Existing law provides for a school lunch program under which eligible pupils receive free or reduced-price meals. Existing law authorizes the sharing of the school lunch program application with the county agency administering the Medi-Cal program for use in making an accelerated Medi-Cal eligibility determination for pupils eligible for free meals. Existing law provides for the sending of a Healthy Families Program application to pupils determined to be ineligible for Medi-Cal coverage.

This bill would, commencing January 1, 2014, require the notices to include prescribed advisements about the availability of free or reduced-cost comprehensive health care coverage through Medi-Cal or the California Health Benefit Exchange, respectively.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 49557.2 of the Education Code is amended to read:

49557.2. (a) (1) At the option of the school district or county superintendent, and to the extent necessary to implement Section 14005.41 of the Welfare and Institutions Code, the following information may be incorporated into the School Lunch Program application packet or notification of eligibility for the School Lunch Program using simple and culturally appropriate language:

(A) A notification that if a child qualifies for free school lunches, then the child may qualify for free or reduced-cost health coverage.

(B) A request for the applicant's consent for the child to participate in the Medi-Cal program, if eligible for free school lunches, and to have the information on the school lunch application shared with the entity designated by the State Department of Health *Care* Services to make an accelerated determination and the local agency that determines eligibility under the Medi-Cal program.

(C) A notification that the school district will not forward the school lunch application to the entity designated by the State Department of Health *Care* Services to make an accelerated determination and the local agency that determines eligibility under the Medi-Cal program, without the consent of the child's parent or guardian.

(D) A notification that the school lunch application is confidential and, with the exception of forwarding the information for use in health program enrollment upon the consent of the child's parent or guardian, the school district will not share the information with any other governmental agency, including the federal Department of Homeland Security and the Social Security Administration.

(E) A notification that the school lunch application information will only be used by the entity designated by the State Department of Health *Care* Services to make an accelerated determination and the state and local agencies that administer the Medi-Cal program for purposes directly related to the administration of the program and will not be shared with other government agencies, including the Department of Homeland Security and the Social Security

1 Administration for any purpose other than the administration of  
2 the Medi-Cal program.

3 (F) Information regarding the Medi-Cal program, including  
4 available services, program requirements, rights and  
5 responsibilities, and privacy and confidentiality requirements.

6 (2) The State Department of Education, in consultation with  
7 school districts, county superintendents of schools, consumer  
8 advocates, counties, the State Department of Health *Care* Services,  
9 and other stakeholders, shall make recommendations regarding  
10 the School Lunch Program application, on or before February 1,  
11 2003. The recommendations shall include specific changes to the  
12 School Lunch Program application materials as necessary to  
13 implement Section 14005.41 of the Welfare and Institutions Code,  
14 information for staff as to how to implement the changes, and a  
15 description of the process by which information on the School  
16 Lunch Program application will be shared with the county, as the  
17 local agency that determines eligibility under the Medi-Cal  
18 program.

19 (3) At the option of the school, the request for consent in  
20 subparagraph (B) of paragraph (1) may be modified so that the  
21 parent or guardian can also consent to allowing Medi-Cal to inform  
22 the school as provided in subdivision (n) of Section 14005.41 of  
23 the Welfare and Institutions Code when followup is needed in  
24 order to complete the Medi-Cal application process.

25 (b) (1) School districts and county superintendents of schools  
26 may implement a process to share information provided on the  
27 School Lunch Program application with the entity designated by  
28 the State Department of Health *Care* Services to make an  
29 accelerated determination and with the local agency that determines  
30 eligibility under the Medi-Cal program, and shall share this  
31 information with those entities, if the applicant consents to that  
32 sharing of information. Schools may designate, only as necessary  
33 to implement this section, non-food service staff to assist in the  
34 administration of free, reduced price, or paid school lunch  
35 applications that have applicant consent, but only if that designation  
36 does not displace or have an adverse effect on food service staff.  
37 This information may be shared electronically, physically, or  
38 through whatever method is determined appropriate.

39 (2) If a school is aware that a child, who has been found eligible  
40 for free school lunches under the National School Lunch Program,

1 and for whom the parent or guardian has consented to share the  
2 information provided on the application, already has an active  
3 Medi-Cal or Healthy Families case, the application shall not be  
4 processed for an accelerated determination but shall be forwarded  
5 to the local agency that determines eligibility under the Medi-Cal  
6 program pursuant to Section 14005.41 of the Welfare and  
7 Institutions Code. The school shall notify the parent or guardian  
8 of the child's ineligibility for accelerated Medi-Cal due to the  
9 current eligibility status and that the child's application will be  
10 forwarded to the county pursuant to this section. The notice shall  
11 include a statement, with contact information, advising the parent  
12 or guardian to contact the Medi-Cal or Healthy Families programs  
13 regarding the child's eligibility status.

14 (3) Each school district or county superintendent that chooses  
15 to share information pursuant to this subdivision shall enter into  
16 a memorandum of understanding with the local agency that  
17 determines eligibility under the Medi-Cal program, that sets forth  
18 the roles and responsibilities of each agency and the process to be  
19 used in sharing the information.

20 (4) The local agency that determines eligibility under the  
21 Medi-Cal program shall only use information provided by  
22 applicants on the school lunch application for purposes directly  
23 related to the administration of the Medi-Cal program.

24 (5) After school districts share information regarding the school  
25 lunch application with the entity designated by the State  
26 Department of Health *Care* Services to make an accelerated  
27 determination and the local agency that determines eligibility under  
28 the Medi-Cal program, for the purpose of determining Medi-Cal  
29 program eligibility, the local agency and the school district shall  
30 not share information about school lunch participation or the  
31 Medi-Cal program eligibility information with each other except  
32 as specifically authorized under subdivision (n) of Section  
33 14005.41 of the Welfare and Institutions Code and other provisions  
34 of law.

35 (c) Effective July 1, 2005, the notifications and consent  
36 referenced in subdivision (a) and the procedures set out in  
37 subdivision (b) shall include the Healthy Families Program and  
38 any relevant county- and local-sponsored health insurance programs  
39 as necessary to implement Section 14005.41 of the Welfare and  
40 Institutions Code.

1     (d) *Effective January 1, 2014, the notifications shall do all of*  
2 *the following:*

3     (1) *Advise the applicant that the applicant may be eligible for*  
4 *reduced-cost, comprehensive health care coverage through the*  
5 *California Health Benefit Exchange.*

6     (2) *Advise that, if the family income is low, the applicant may*  
7 *be eligible for no-cost coverage through Medi-Cal.*

8     (3) *Provide the applicant with the contact information for the*  
9 *California Health Benefit Exchange, including its Internet Web*  
10 *site and telephone number.*

11     (d) If a school district finds that the child is eligible for reduced  
12 price or paid meals under the National School Lunch Program and  
13 consent was provided as described in subdivision (b), the entity  
14 designated by the State Department of Health *Care* Services to  
15 make an accelerated determination shall notify the parent or  
16 guardian of the child's ineligibility for an accelerated Medi-Cal  
17 determination pursuant to Section 14005.41 of the Welfare and  
18 Institutions Code. The notification shall include information on  
19 other available health programs for which the child may be eligible.